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IN THE HIGH COURT OF JUDICATURE, AT- BILASPUR(C.G.)

WRIT PETITION NO. 3760 **OF 2005**

PETITIONER : MATHURA PRASAD SHARMA
AGED ABOUT – 65 YEARS
SON OF SHRI G. P. SHARMA
RETIRED A. S. I. (M) FROM O/O
DISTRICT MAGISTRATE / THE
COLLECTOR, BILASPUR (C. G.)
R/O NEAR MATA CHOURA,
KUDUDUND, BILASPUR (C. G.)

P.R. No. 3867/05
Presented by Shri Amin Kershawany
dated 9/8/05

VERSUS

RESPONDENTS : 1.STATE OF CHHATTISGARH,
THROUGH - THE SECRETARY,
DEPARTMENT OF HOME & POLICE,
MANTRALAYA D. K. S. BHAWAN,
RAIPUR,

2. SUPERINTENDENT OF POLICE,
BILASPUR (C. G.)

3. ACCOUNTANT GENERAL OF
CHHATTISGARH
(LEKHA & HAQDARI) DWITYA,
NIDHI – 10, SITUATED AT –
PANDARI, NEAR BUS STAND,
RAIPUR (C. G.)

RECEIVED-COPY
08/8/05
CLERK TO A. G. BILASPUR

WRIT PETITION UNDER ARTICLE – 226 & 227 OF CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, PROHIBITION, SUITABLE DIRECTION OR DIRECTIONS, ORDER OR ORDERS.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ....W.P.3760/ **सन्** 2005

(71)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

5-7-2006

Mr. R.K. Kesharwani, counsel for the petitioner.

Mr. Satish Gupta, Deputy Govt. Advocate for the State/respondents No.1 & 2.

Mr. S.K. Beriwal, Central Govt. Counsel for respondent No.3.

Heard.

The main grievance of the petitioner raised in this writ petition under Articles 226 & 227 of the Constitution of India is that illegal recovery has been made from the petitioner.

The case of the petitioner is that he was appointed as A.S.I. (M) in the Police Department and after completion of eligible service, he retired on 31-12-2000. The petitioner had received encashment of surrendered leave of 217 days from 1-9-1976 to 1-9-1991 to the tune of Rs.6,245/-, but due to audit objection, the same was recovered from the petitioner against which the petitioner moved the State Administrative Tribunal where the application of the petitioner was allowed and the order of the respondents was quashed. The petitioner was also granted ad-hoc increment of Rs.70/- per month for the periods from 1-4-1986 to 30-9-2000 and from 1-10-2000 to 31-12-2000, but the respondents have recovered the above arrears amounting to Rs.1,25,887/- and Rs.6,049/- respectively without cause and notice.

Learned counsel for the petitioner submits that the said amount was paid to the petitioner, as the petitioner was entitled for ad-hoc increment, however, the respondents have illegally recovered the said amount. Aggrieved by the said action of the respondents, the petitioner made representation to

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the Director General of Police on 4-9-2001, but that representation has not been decided so far. Learned counsel further submits that the petitioner was entitled for the ad-hoc increment of Rs.70/- per month in view of the order Annexure P-6 dated 4th July, 2005 passed by the Finance Department, and without considering that, the amount has been recovered. Therefore, learned counsel also submitted that the petitioner may be allowed to make a fresh representation to respondent No.2 and respondent No.2 be directed to decide the representation of the petitioner to which Mr. Gupta, learned Deputy Govt. Advocate for the State/respondents No.1 & 2, has no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make a detailed representation annexing relevant documents and copy of this petition to respondent No.2 and in turn, respondent No.2 shall decide the representation of the petitioner within a period of three months from the date of its receipt after considering the points raised by the petitioner in an objective manner, in accordance with law.

With the direction aforesaid the petition stands disposed of.

In view of this order, I.A.No.10807/2005 also stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge

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